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THE JOURNAL OF NEGRO HISTORY

VOL. I—JUNE, 1916—No. 3

COLORED FREEMEN AS SLAVE OWNERS IN VIRGINIA ¹

Among the quaint old seventeenth century statutes of Virginia may be found the following significant enactment:

No negro or Indian though baptized and enjoined their own freedome shall be capable of any purchase of Christians *but yet not debarred from buying any of their owne nation.*²

“Christians” in this act means persons of the white race. Indented servitude was the condition and status of no small part of the white population of Virginia when this law was enacted. While it is not a part of our purpose in this article to show that white servants were ever bound in servitude to colored masters, the inference from this prohibition upon the property rights of the free Negroes is that colored free-men had at least attempted to acquire white or “Christian” servants. In a revision of the law seventy-eight years later it was deemed necessary to retain the prohibition and to annex the provision that if any free Negro or mulatto “shall nevertheless presume to purchase a Christian white servant, such servant shall immediately become free.”³

¹ Acknowledgments are due to the Johns Hopkins Press for permitting the use in this article of data included in the author's monograph entitled “The Free Negro in Virginia, 1619–1865.”

² Hening's Statutes at Large of Virginia, Vol. II, p. 280 (1670). Italics my own.

³ Hening, Vol. V, p. 550.

If we see in these laws nothing more than precautionary measures against a possible reversal of the usual order of white master and black servant to that of black master and white servant, they are nevertheless significant as commentaries on the extent of the remaining unimpaired property rights of black freemen. Only in the light of these prohibitions do we see the full significance of the last clause of the act which reads: "but yet not debarred from buying any of their owne nation."

With no evidence beyond this explicit admission in the written law of the right of free Negroes to own servants and slaves of their own race it could scarcely be doubted that there were in the colony colored men known to the framers of this law who held to service persons of their own race and color. But when the court records are opened and the strange story of the free Negro Anthony Johnson and his slave John Casor is read and understood we are forced to a realization of the impartial attitude of the law toward black masters not only in its outward expression but also in its actual application. The story of the relation of these two black settlers in the young colony is worth relating in the quaint language of the times word for word as it appears in the manuscript records.

The deposition of Capt. Samll. Goldsmyth taken in open court 8th of March [16]54 sayeth that being att ye house of Anth. Johnson Negro about ye beginning of November last to receive a Hogsd of tobac, a negro called Jno. Casor came to this depo[nen]t & told him yt hee came into Virginia for seaven or eight years of Indenture; yt hee had demanded his freedome of Antho. Johnson his mayster & further sd yt hee had kept him his serv[ant] seaven years longer than hee should or ought; and desired that this Depont would see yt hee might have noe wronge; whereupon your depont demanded of Anth. Johnson his Indenture. the sd Johnson answered hee never saw any. The negro Jno. Casor replied when hee came in he had an Indenture. Anth. Johnson sd hee had ye Negro for his life, but Mr. Robert & George Parker sd they knewe that ye sd Negro had an Indenture in one Mr. S[andys?] hand on ye other side of ye Baye. Further sd Mr. Robert Parker & his

Brother George sd (if the sd. Anth. Johnson did not let ye negro go free) the said negro Jno Casor would recover most of his Cows from him ye sd Johnson. Then Anth. Johnson (as this dep't. did suppose) was in a great feare. . . . Anth. Johnsons sonne in Law, his wife & his own two sonnes persuaded the old negro Anth. Johnson to sett the sd. Jno. Casor free . . . more sth not.

SAMLL GOLDSMYTH.

Eight March Anno 1654.⁴

John Casor was not, however, permitted to enjoy long his freedom. Johnson decided to petition the county court to determine whether John Casor was a slave for life or a servant "for seven years of indenture." The court record of the suit is as follows:

Whereas complaint was this daye made to ye court by ye humble petition of Anth. Johnson Negro ag[ains]t Mr. Robert Parker that hee detayneth one John Casor a Negro the plaintiffs Serv[an]t under pretense yt the sd Jno. Casor is a freeman the court seriously considering & maturely weighing ye premises doe fynd that ye sd Mr. Robert Parker most unrightly keepeth ye sd Negro John Casor from his r[igh]t mayster Anth. Johnson as it appeareth by ye Deposition of Capt. Samll Gold smith & many probable circumstances. be it therefore ye Judgement of ye court & ordered that ye sd Jno. Casor negro, shall forthwith bee turned into ye service of his sd master Anthony Johnson and that the sd Mr. Robert Parker make payment of all charges in the suite and execution.⁵

In thus sustaining the claim of Anth. Johnson to the perpetual service of John Casor the court gave judicial sanction to the right of Negroes to own slaves of their own race. Indeed no earlier record, to our knowledge, has been found of judicial support given to slavery in Virginia except as a punishment for crime. Additional gleanings from the records show that this black slavemaster was a respected citizen of wealth and one of the very earliest Negro arrivals upon this continent, if, indeed, he was not one of the first

⁴Original MS. Records of the County Court of Northampton. Orders, Deeds and Wills, 1651-1654, p. 20.

⁵Original MS. Records of the County Court of Northampton. Orders, Deeds and Wills, 1651-1654, p. 10.

twenty brought in on the Dutch man-of-war in 1619. Every doubt of the correctness of this assertion should be banished by a perusal of the somewhat detailed evidence upon which the conclusion is based.

The discovery of the fact that Anthony Johnson was a slaveowner led to a further examination of court records and land patents for additional information concerning him. In the court records of Northampton County in 1653 it was found recorded that "Anth. Johnson negro hath this daye made his compl[ain]t to ye court that John Johnson, Senr. most unrightly detayneth a pattent of his for 450 acres of land (which pattent sd. Jno. Johnson negro claymeth & boldly affirmeth to bee his land.)" ⁶

A search in the early land patents of the State revealed a grant by the authorities of the State of two hundred and fifty acres of land in Northampton County to Anthony Johnson a Negro. The grant was made as "head rights" upon the importation by the Negro of five persons into the colony.⁷ Still pursuing the record of this black freeman, who was able to maintain a slave, the following was discovered in the records of the county court of Northampton:

Upon ye humble pet[ition] of Anth. Johnson negro & Mary his wife & their Information to ye Court that they have been Inhabitants in Virginia above thirty years, consideration being taken of their hard labor and honored service performed by the petitioners in this Country for ye obtayneing of their Livelyhood and ye great Llosse they have sustained by an unfortunate fire with their present charge to provide for. Be it therefore fitt and ordered that from the day of the debate hearof during their natural lives the sd Mary Johnson & two daughters of Anthony Johnson Negro be disingaged and freed from payment of Taxes and leavyes in Northampton County for public use.⁸

Subtracting thirty years from 1652, the date of this order of the court, it appeared that this Negro and his wife were in Virginia in 1622. Examination of a census taken in Vir-

⁶ Original MS. Records of Northampton Co., 1651-1654, p. 200.

⁷ MS. Land Patents of Virginia, 1643-1651, 326.

⁸ MS. Court Records of Northampton Co., 1651-1654, p. 161.

ginia after the Indian massacre of 1622 and called "The Lists of Living and Dead in Virginia" revealed the fact that there were only four Negroes in the colony beside the surviving nineteen out of the twenty that came in in 1619. The name of one of these four was Mary and the name of one of the first twenty was Anthony.⁹ It may with good reason be surmised, if it cannot be proved, that Mary became the wife of Anthony and that in the course of the next thirty years they acquired the surname Johnson as well as a large tract of land and a slave by the name of John Casor.

THE EXISTENCE OF BLACK MASTERS AFTER COLONIAL TIMES

Some readers may be inclined to regard the case of the slave John Casor as altogether exceptional and peculiar to an early period in the growth of slavery before custom had fully crystallized into law. It is true that similar examples are hard to find in the seventeenth century when the free Negroes were few in number. But if from the paucity of examples it is argued that such a case was a freak of the seventeenth century and that nothing similar could have occurred after slavery became a settled and much regulated institution, the answer is that slave-owning by free Negroes was so common in the period of the Commonwealth as to pass unnoticed and without criticism by those who consciously recorded events of the times. For abundant proof of the relation of black master and black slave we must refer again to court records and legislative petitions from which events and incidents were not omitted because of their common occurrence. Deeds of sale and transfer of slaves to free Negroes, wills of free Negroes providing for a future disposition of slaves, and records of suits for freedom against free Negroes, all relate too well the story of how black masters owned slaves of their own race, to require additional proof.

The following record of the court of Henrico County under date of 1795 is an example of what is to be found in the records of any of the older counties of Virginia:

⁹ J. C. Hotten, "Lists of Emigrants to America," pp. 218-258.

Know all men by these presents that I, James Radford of the County of Henrico for and in consideration of the sum of thirty-three pounds current money of Virginia to me in hand paid by George Radford a black freeman of the city of Richmond hath bargained and sold unto George Radford one negro woman aggy, to have and to hold the said negro slave aggy unto the said George Radford his heirs and assigns forever.

JAMES RADFORD (seal) ¹⁰

Judith Angus, a well-to-do free woman of color of Petersburg, was the owner of two household slaves. Before her death in 1832 she made a will which provided that the two slave girls should continue in the service of the family until they earned money enough to enable them to leave the State and thus secure their freedom according to law.¹¹

From the records of the Hustings Court of Richmond may be gotten the account of a suit for freedom begun by Sarah, a slave, against Mary Quickly, a free black woman of the city. It is worthy of note that no claim was made by the plaintiff that Mary Quickly, being a black woman, had no right to own a slave. The grounds for the suit had no relation whatever to the race or color of the defendant, Mary Quickly.¹²

The only evidence at hand of the kind of relations that existed between black masters and their chattel slaves is supplied by the word of old men who remember events of the last two decades before the war. All that have been heard to speak of the matter are unanimously of the opinion that black masters had difficulty in subordinating and controlling their slaves. William Mundin, a mulatto barber of Richmond, seventy-five years of age, when interviewed, but still of trustworthy memory and character, is authority for the statement that Reuben West, a comparatively wealthy free colored barber of Richmond, went into the slave market and purchased a slave cook, but because of the spirit of insub-

¹⁰ MS. Deeds of Henrico County, No. 5, p. 585.

¹¹ MS Legislative Petitions, Dinwiddie County, 1833, A 5123, Virginia State Library.

¹² Orders of the Hustings Court of Richmond, Vol. 5, p. 41.

ordination manifested by the slave woman toward him and his family he disposed of her by sale. James H. Hill, another free colored man to whose statements a good degree of credence is due, corroborates in many points this story about Reuben West as a slaveowner. His statement is that Reuben West was a free colored barber of some wealth and the owner at one time of two slaves, one of whom was a barber working in his master's shop on Main Street. So much of these statements has been confirmed by reference to tax books and court records that the entire story may be accepted as true.

A TRULY BENEVOLENT SLAVERY

The type of black master represented by Reuben West or Anthony Johnson must be distinguished from the colored slaveowner who kept his slaves in bondage, not for their service, but wholly in consideration of the slaves. A very considerable majority of black masters, unlike the examples above cited, were easily the most benevolent known to history. It was owing to a drastic state policy toward freedmen that this unusually benevolent type of slavery arose.

During the last quarter of the eighteenth century slaveowners in Virginia possessed unrestricted powers to bestow freedom upon their slaves. Under such circumstances free blacks became instrumental in procuring freedom for many of their less fortunate kinsmen. They frequently advanced for a slave friend the price at which his white master held him for sale and, having liberated him, trusted him to refund the price of his freedom. A free member of a colored family would purchase whenever able his slave relatives. The following deed of sale is a striking example of such a purchase:

Know all men of these presents that I David A. Jones of Amelia County of the one part have for and in consideration of the sum of five hundred dollars granted unto Frank Gromes a black man of the other part a negro woman named Patience and two children by name Phil and Betsy to have and to hold the above named negroes

to the only proper use, behalf and benefit of him and his heirs forever.

DAVID JONES (seal) ¹³

Phil Cooper, of Gloucester County, in 1828 was the chattel slave of his free wife. Janette Wood of Richmond was manumitted in 1795 by her mother, "natural love" being the only consideration named in the legal instrument. John Sabb, of Richmond, purchased in 1801 his aged father-in-law Julius and for the nominal consideration of five shillings executed a deed of manumission.¹⁴

Purchases of this kind before 1806 were usually followed immediately by manumission of the slave. Scattered through the deeds and wills of Virginia County records in the quarter century ending with 1806 are to be found numerous documents of which the following is an example:

To all whom these presents may come know ye, that I Peter Hawkins a free black man of the city of Richmond having purchased my wife Rose, a slave about twenty-two years of age and by her have had a child called Mary now about 18 mo. old, for the love I bear toward my wife and child have thought proper to emancipate them and for the further consideration of five shillings to me in hand paid . . . I emancipate and set free the said Rose and Mary and relinquish all my right . . . as slaves to the said Rose and Mary.

PETER HAWKINS (seal) ¹⁵

Indeed the kindness of free Negroes toward their friends and relatives seeking freedom afforded such an accessible avenue to liberty that those vigilant white citizens who desired to preserve the institution of slavery deemed it necessary to put obstructions in the way. A law which required any slave manumitted after May 1, 1806 to leave the State within the space of twelve months was passed in 1806 and remained in force until the war rendered it obsolete. Forfeiture of freedom was the penalty for refusal to accept

¹³ MS. Deeds of Henrico County, No. 4, p. 692.

¹⁴ MS. Deeds of Henrico County, No. 6, p. 274.

¹⁵ MS. Deeds of Henrico County, No. 6, p. 78.

banishment. From this act dates the beginning of this benevolent type of slavery. Free Negroes continued to purchase their relatives but held them as slaves, refusing to decree their banishment by executing a deed or will of manumission.

A pathetic example of this kind was the case of Negro Daniel Webster of Prince William County. At the age of sixty when an illness forced him to the conclusion that life was short, he sent a petition to the legislature saying that he had thus far avoided the evil consequences of the law of 1806 by retaining his family in nominal slavery but that then he faced the alternative of manumitting his family to see it disrupted and banished or of holding his slave family together till his death, when its members like other property belonging to his estate would be sold as slaves to masters of a different type. He begged that exception be made to the law of 1806 in the case of his wife and children so that he might feel at liberty to manumit them.¹⁶

A similar petition to the Legislature in 1839 by Ermana, a slave woman, stated that her husband and owner had been a free man of color, that he had died intestate and that she, her children and her property had escheated to the literary fund. Scores of similar petitions to the Legislature for special acts of relief tell the story of how black men and women who owned members of their families neglected too long to remove from them the status of property.

A case more amusing than pathetic was that of Betsy Fuller, a free Negro huckstress of Norfolk, and her slave husband. The colored man's legal status was that of property belonging to his wife. Upon the approach of the Civil War he was blatant in his advocacy of Southern views, thus evincing his indifference to emancipation.¹⁷

Feeble efforts were made by the legislature for a score of years before the war to limit the power of free Negroes to acquire slaves for profit. By an act of 1832 free Negroes

¹⁶ MS. Legislative Petitions, Prince William Co., 1812, Virginia State Library.

¹⁷ *Lower Norfolk County Antiquary*, Vol. IV, p. 177.

were declared incapable of purchasing or otherwise acquiring permanent ownership, except by descent, of any slaves other than husband, wife, and children. Contracts for the sale of a slave to a black man were to be regarded as void.¹⁸ But even this attempt at limitation was passed by a bare majority of one.¹⁹ Within three years of the beginning of the War the law was revised to read: "No free negro shall be capable of acquiring, except by descent, any slave."²⁰ In the opinion of a judge who passed upon this law, its object was "to keep slaves as far as possible under the control of white men only, and to prevent free negroes from holding persons of their own race in personal subjection to themselves. Perhaps also it is intended to evince the distinctive superiority of the white race."²¹

Whatever may have been their object these acts are of more significance because of the story they tell than they ever were in accomplishing the emancipation of slaves from masters of the black race. The period of the existence of the black master was contemporaneous with the period of the existence of slavery. By the same immortal proclamation which broke the shackles of slaves serving white masters were rent asunder, also, the bonds which held slaves to masters of their own race and color.

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¹⁸ Acts of Assembly, 1831-1832, p. 20.

¹⁹ Senate Journal, 1832, p. 176.

²⁰ Acts of Assembly, 1857-1858.

²¹ Grattan's Reports, Vol. 14, p. 260.